

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WLODZIMIERZ LUKASIK,

Plaintiff,

v.

MARY HOLLINRAKE, *et al.*,

Defendants.

Case No. 1:06-CV-280

Hon. Richard Alan Enslen

ORDER OF DISMISSAL

Plaintiff Wlodzimierz Lukasik has filed a Verified Petition responding to the Court's July 28, 2006 Notice of Impending Dismissal. The Notice of Impending Dismissal asked Plaintiff to show cause why his claims against Nicholas B. Missad should not be dismissed for untimely service. In response, Plaintiff has not requested an extension, but has argued that his service was effective. The methods for service are prescribed by Federal Rule of Civil Procedure 4 and include means of service authorized by state law. Michigan Court Rule 2.105 authorizes service by sending a summons and complaint by registered or certified mail, return receipt requested; however such service is only effective upon delivery to the addressee. It is not effective upon refusal to accept service of the addressee. MCR 2.105(a)(2). Therefore, Plaintiff has not timely completed service. Furthermore, extension of the service is not warranted; this suit appears unwarranted, and an attempt to harass the attorney of Plaintiff's ex-wife.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff Wlodzimierz Lukasik's claims against Defendant Nicholas B. Missad are **DISMISSED** pursuant to Federal Rule of Civil Procedure 4(m).

DATED in Kalamazoo, MI:
August 31, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE